

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GENARO QUINTANA,)	Case No.: 13-cv-02258-PSG
)	
Plaintiff,)	ORDER GRANTING DEFENDANT’S
v.)	MOTION TO DISMISS
)	
MOUNTAIN VIEW-LOS ALTOS UNION)	(Re: Docket No. 31)
HIGH SCHOOL DISTRICT,)	
)	
Defendant.)	

Before the court is Defendant Mountain View-Los Altos Union High School District’s motion to dismiss Plaintiff Genaro Quintana’s first amended complaint for violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 (“ADA”). An understanding of the posture of this case is helpful and warranted. As an initial matter, the court notes that the District has already moved—successfully—to dismiss the initial complaint in this case.¹ The court’s order granting the District’s first motion to dismiss noted that because the deficiency within the complaint might be remedied with more fulsome allegations, leave to amend was warranted.² The order then directed

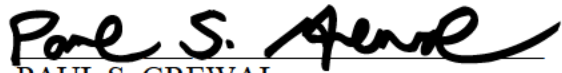
¹ See Docket No. 27 at 5 (“Plaintiff has not pleaded sufficient facts from which the court may conclude that he is disabled under the ADA and thus dismissal of the complaint is warranted.”).

² See *id.* (“Because this deficiency may be remedied with further allegations, the motion to dismiss is GRANTED WITH LEAVE TO AMEND.”)

1 Plaintiff to file any amended complaint within fourteen days.³ Fifteen days later Plaintiff
2 submitted a new pleading.⁴ Even a generous read of Quintana's belated filing, however, does not
3 save it. In particular, the new pleading does not adequately set forth sufficient facts to make out an
4 ADA claim. In its pending motion the District highlights the various deficiencies. In any event,
5 Quintana did not submit any opposition or appear at the hearing earlier today to oppose the
6 District's motion. Having considered the District's arguments, and in light of the court's prior
7 order, the court GRANTS the District's motion without leave to amend.
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9 **IT IS SO ORDERED.**

10 Dated: January 7, 2014

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12 PAUL S. GREWAL
13 United States Magistrate Judge
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27 ³ See *id.* ("Plaintiff shall file any amended complaint within fourteen days of this order.").

28 ⁴ See Docket No. 28.